



## Land Use and Zoning Meeting Minutes

March 18, 2011

STAFF:	David Radachy
DATE:	March 18, 2011
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m. by Chairman Terriaco.

Attendance was taken by sign in sheet. The following members were present: Messrs. Bodnar, Klco, Morse, Terriaco and Welch, and Mmes. Diak and Ross. Staff: David Radachy.

Mr. Terriaco asked for nominations for chair, vice chair and secretary. Mr. Bodnar was nominated for chair. Mr. Welch was nominated for vice chair. Mr. Radachy was nominated for secretary.

The committee voted all "Aye" on the new officers. Mr. Terriaco turned the meeting over to Mr. Bodnar.

Mr. Bodnar asked for any comments from the public. No comments were made.

Mr. Bodnar asked Mr. Radachy to present the cases. There were four cases on the agenda. All four were submitted from Painesville Township.

### Painesville Township Case #1 – Definitions Section V

Staff stated that all the definitions should look familiar. They are the same definitions from the Concord Township case from last December. Accessory Structure, Leisure is an original definition, and commercial motor vehicle had the weight limit removed. Staff also stated that PODS is a trademark name and that the proposed definition of carport only considers the use to be an accessory structure. There is no provision for a carport to be attached to a principal building. The definition for garage (private) has the same issue. Staff recommended:

1. Change the name of the Portable On-Demand Storage (PODS) to a generic term like Temporary Portable Storage Units. PODS is a brand name. There is another named Go Minis.
2. Add definitions for Carport, Attached and Garage, Attached Private.

The committee found some issues with the definitions. In the definition of accessory structure, leisure, the committee felt that the word "re" should be "are". In the definition of fence, it should read "for protection", not "of protection". The committee also suggested that the term "laid" be removed from the definition of trellis. ...."or laid against a building" and ...."or against a building" mean the same thing. The committee also thought that the "....operate a swimming pool for the exclusive use **of** residents" sentence in swimming pool, club definition should be "....operate a swimming pool for the exclusive use **by** residents". Staff stated the re typo was created by them when they retyped the definitions. The definitions were retyped because they were faxed in and could not be read when copied.

There was also a discussion on if the sentence "plastic structures intended for use by children" should remain in the swimming pool temporary definition. The committee decided it was okay because it was at the end of a "shall not be limited to" sentence.

Mr. Morse made a motion to recommend the text amendment with following suggestions:

1. Change the name of the Portable On-Demand Storage (PODS) to a generic term like Temporary Portable Storage Units. PODS is a brand name. There is another named Go Minis.
2. Add definitions for Carport, Attached and Garage, Attached Private.
3. Change "re" to "are" in the accessory structure, leisure definition.
4. Change "of" to "by" in the swimming pool, club definition.
5. Remove "laid" from the trellis definition.
6. Change "of protection" to "for protection" in the fence definition.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

### **Painesville Township Case #2 – Section 6.16 and 6.17**

Staff stated that listing items not requiring permits and portable on demand storage were both items that were also presented as part of Concord Township's last zoning case. Concord had several changes, but Painesville Township only has these two.

Staff stated that Section 6.16 uses numbers and Section 6.17 uses letters. The format should be consistent. Staff was also concerned that there is no definition of what a wood pile is or what constitutes landscape materials or how large they may be. Stack wood for use in personal fireplace is a use that should go unstated as allowed without a permit. Staff is concerned that this may open the door for large unstacked wood piles or large piles of mulch that is being sold to be located in lots in a residential district.

Staff stated that currently there are no definitions or proposed definitions of doghouses, playhouses and sheds. They felt that doghouses, playhouses and sheds all meet the definition of accessory structure. Very small storage sheds that would not require a permit and very large children's play houses that could require a permit using this definition. A minimum square footage should be used instead of the terms child's playhouse. Staff referenced a hand out that was in their packets showing large playhouses and small sheds.

Staff agrees that property owners and renters should be able to install basketball hoops without a permit, but location should be specified in the resolution. Basketball hoops should not be located outside of the right-of-way and outside of the temporary cul-de-sac. For an example, currently there is a basketball hoop installed along the temporary cul-de-sac of Bellmore Street in Painesville Township.

Staff was concerned that an outdoor wood fired boiler would be considered a heating unit under 6.16 10.

Staff stated that regulations were needed for portable on-demand storage units and they agreed that they should be located outside of the right of way, but were concerned that temporary cul-de-sac easements are not mentioned in the resolution. An easement for a temporary cul-de-sac is not a right-of-way but it functions as a right-of-way and the land under the easement is owned by the adjoining property owner. It was mentioned that PODS is a brand name and there are companies named Go Minis and Save Our Storage (SOS). Staff thought that Painesville Township should not use brand names in the resolution. Staff stated that PODS come in three different sizes 8'x7'x7', 8'x8'x12' and 8'x8'x16' and Go Minis come in 8'x8'x12', 8'x8'x16' and 8'x8'x20'. There was some concern that there is no limitation on using a semi-trailer as a PODS.

Staff stated that hiring a surveyor can be expensive. They felt requiring a survey would be very expensive and they also wondered about the purpose of the survey when the use is only temporary.

Staff stated that the time exemption in Section 6.17 1 F should be located in section 6.17 1 B, which was the section that states that the owner is only allowed to have a PODS for 30 days. It makes more sense for this language to be located there.

Staff recommended that:

1. Remove wood piles and landscaping materials from a use not requiring a zoning permit.
2. Set a maximum square footage for accessory structures needing a permit. The terms doghouses, playhouses and sheds should be removed from the regulations.
3. Require basketball hoops and similar structures to be installed outside of the right-of-way and any temporary road or cul-de-sac easements in Sections 15.03 G 7 and 18.03 G 7.
4. Prohibit demand storage units from being located in any temporary road or cul-de-sac easements in Section 6.17 e.
5. Change the name of the Portable On-Demand Storage (PODS) in Section 6.17 to a generic term like Temporary Portable Storage Units.
6. Put a maximum length and height limitation on the Temporary Portable Storage Units. Also state no semi-trailers.
7. The exemption language listed in Section 6.17 f should be listed with the time restrictions in Section 6.17 b.
8. Remove the survey requirement in Section 6.17 f.

Mr. Welch made a motion to recommend staff's suggestions.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

### **Painesville Township Case #3 – Section 14.02 (D) and 15.02 (D), Accessory Structures, Leisure**

Staff stated that the language will regulate location, size, height, etc. of leisure structures such as arbors, gazebos, etc. The new regulations would not allow leisure structures to be built on vacant lots (14.02 D 1) and they cannot be in the front yard except for arbors (14.02/15.02 D 10). They are required to have a 5 foot rear line (14.02/15.02 D 8), side line and corner lot setback (14.02/15.02 D 9). Staff stated that they were concerned with only five feet from a sideline on a corner lot. A regular accessory structure is required to be 20 feet from the sideline on a corner lot.

Staff stated that leisure structures cannot be higher than 15 feet from grade (14.02/15.02 D 4) or from the surface of a deck, and must be below 2 feet of the roof peak (14.02/15.02 D 3). They will have only 60% of its footprint counted against the maximum allowed square footage of 875 square feet for accessory buildings as long as the structures are open to light and air (14.02/15.02 D 5 and 6). Leisure structures are not required to maintain any clearance from the main structure and will be required to have a minimum clearance from other buildings of at least 10 feet. (14.02/15.02 D 7)

Staff was concerned with the term "Expended Trellises" is a vague term and not used anywhere else in the regulations. Staff also was concerned with the requirement that accessory structures, leisure shall not be unsightly (14.02/15.02 D 2). They thought it was too vague and subjective. Many members of the committee

also stated similar concerns. Staff stated that carports may meet the 15% open requirements in 14.02 D 6 and 15.02 D 6 and be considered an accessory structure leisure and not a accessory structure. Staff stated that they believe carports should be an accessory structure.

Staff questioned the health and safety objective of requiring the separation from other leisure or accessory structures in 14.02 D 7 and 15.02 D 7 and the health and safety objective of requiring the arbors to be built over walkways in 14.02 D 10 and 15.02 D 10.

The committee mentioned that there is a typo in the title of 14.02 (D) and 15.02 (D). They should be 14.02 (D) and 15.02 (D) not 14:02 (D) and 15:02 (D). Staff stated they made the mistake. The document was submitted by Painesville Township correctly.

Staff recommended:

1. Remove "Expended Trellises" from the regulations.
2. Add language that carports are considered to be an accessory structure and not a accessory structure, leisure.
3. Remove "Accessory Structure, Leisure may not be unsightly"
4. Remove the requirement that arbors have to be over walkways.
5. Accessory Structures, Leisure are to be located 20 feet from the side right-of-way line for corner lots.

Ms. Ross made a motion to recommend the text amendment with the staff recommendations  
Ms. Diak seconded the motion.

All voted "Aye".  
Motion passed.

#### **Painesville Township Case #4 – District Change R-1 to B-3**

Staff stated that officially the request is rezoning parcel 11A-7B-6 and they are requesting 1.89 acres of land to be rezoned from B-3 and R-1 to B-3. Staff noted that parcel 11A-7B-6 was a combination of parcels 11A-7B-2, 3, 4, 5 and 6. The 1.59 acres was rezoned to B-3 in June, 2007. The property owner, True North, LLC just purchased 11A-7B-8, which is zoned R-1 and is equal to 0.30 of an acre. Staff believes the actual request is rezoning parcel 11A-7B-8 from R-1 to B-3. The owners will remove the house and replace it with a buffer. The drawing attached to the application confirms this theory.

Staff showed 2007 airphotos of the site, the current zoning map and the current land use of site. Parcel 11A-7B-8 was noted as being residential and parcel 11A-7B-6 was noted as being a gas station and ice cream parlor. Staff noted that the comprehensive plan shows the site as residential, but the one of the goals of the plan states "Commercial and retail districts will be attractive, inviting, convenient and foster a district sense of place for Painesville Township."

Staff showed images that showed the effect buffering had on the site. They stated that with the addition of this land, it made the site easier to developer in regards to the buffering. Staff made the recommendation that the district change be made because it would make the site better for retail.

Mr. Bodnar stated the business, True North, came into Painesville Township with their standard building design and tried to slam it onto the site. The property owner tried for variances to make the site work and were denied by the BZA. The property owner then approached the neighbor to purchase the property and they were able to make a deal. Mr. Bodnar stated that the Township is looking forward to having this business move into the Township, but everyone was happy that they did not give into pressure and allow all the variances.

Mr. Bodnar and staff both stated that the property owner will be required to go through site plan review again because of the changes to the site. The new site will have better ingress/egress through two or three spots instead of the continuous curb cut. ODOT will also be required to issue a permit to access SR 84.

The committee stated that they wished the property owner would have purchased the next home to the north. It would have made the site a square and an even better site. Mr. Bodnar stated that True North has been working with the adjacent property owners to take care of some of their concerns. One of the concerns was to secure any unused parts of the site. There used to be an issue of the land behind them when George's Diner Bell owned the property. True North stated that they will take care of this issue.

Mr. Morse made a motion to recommend the district change after the application has been amended.  
Mr. Terriaco seconded the motion.

All voted "Aye".  
Motion passed.

Mr. Radachy stated that was the end of the Committee business.

Mr. Bodnar asked for any new business.

Mr. Bodnar went on the record stating that Mr. Terriaco and Ms. Diak did a good job as being the Chair and Vice Chair for the past two years.

Mr. Bodnar asked for old business. There was none.

Mr. Bodnar asked for any comments from the public. No comments were made.

Mr. Welch made a motion to adjourn.  
Mr. Klco seconded the motion.

All voted "Aye". Motion passed. The meeting adjourned at 7:20PM